

Please amend the above-identified application as follows:

In the Specification

- ✓ Page 1, line 5, after "March 23, 1992," insert --now abandoned,--.
- ✓ Page 1, line 18, correct "response" to --responses--.
- ✓ Page 1, line 21, correct "immunologies" to --immunology's--.
- ✓ Page 13, line 31, after "Robinson et al.," insert --Vaccine 11: 957-960,--.

In the Abstract

- ✓ Line 11, correct "response" to --responses--.

Remarks

The Specification and the Abstract have been amended to eliminate the informalities objected to by the Examiner.

Rejection of Claims under 35 U.S.C. 112, first paragraph

The Examiner rejected claims 1-18, stating that: the disclosure is enabling only for claims limited to a method of immunizing a vertebrate by administering a DNA transcription unit encoding H1 and H7 influenza hemagglutinin antigens and a method of protecting birds.... The specification does not enable a method of immunizing animals with a DNA transcription unit encoding all antigens (viral) or all influenza hemagglutinin subtypes. There is no indication that the influenza viral hemagglutinins of the H1 and H7 subtypes sufficiently cross react with other influenza viral hemagglutinin subtypes (e.g., H3) such that the responses would be comparable in terms of protection. Additionally, there is no indication of cross protection between types (i.e. types A or B influenza viruses). Therefore the specification is not commensurate in scope with the claims.

(71)